

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

MICHAEL MCMANUS,

Petitioner,

v.

CIVIL ACTION NO. 5:04-cv-00308

MARTY R. ANDERSON,

Respondent.

**JUDGMENT ORDER**

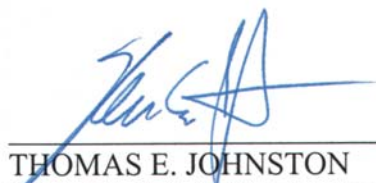
By Standing Order entered on May 20, 2002, and filed in this case on March 31, 2004, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation (PF&R). Magistrate Judge VanDervort filed his PF&R on July 19, 2007 [Docket 13]. In that filing, the magistrate judge recommended that this Court dismiss as moot Petitioner's Application Under 28 U.S.C. § 2241 for Writ of Habeas Corpus By a Person in State or Federal Custody [Docket 1], and remove this matter from the Court's docket.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and Petitioner's right to appeal this Court's Order. *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge VanDervort's PF&R were

due by August 3, 2007, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). To date, no objections have been filed.

Having reviewed the PF&R filed by Magistrate Judge VanDervort, the Court **ADOPTS** the findings and recommendation contained therein. Accordingly, the Court hereby **DISMISSES** Petitioner's Application as moot [Docket 1], and **DIRECTS** the Clerk to remove this matter from the Court's docket. Further, the Court **DIRECTS** the Clerk to send a copy of this Judgment Order to counsel of record, Petitioner, *pro se*, and Magistrate Judge VanDervort.

ENTER: August 10, 2007



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THOMAS E. JOHNSTON  
UNITED STATES DISTRICT JUDGE